

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Kent Garvey, on behalf of himself and all
others similarly situated,

Plaintiff(s),

James Arkoosh, Samuel Belzberg, Peter Klein
and Diomed Holdings, Inc.,

Defendants.

Master File No. 1:04-cv-10438-RGS **FILED** **2004 AUG -6 PM 11:53**

Honorable Richard G. Stearns **DISTRICT COURT**
DISTRICT OF MASS

Stipulated Scheduling Order

CLASS ACTION

REVISED STIPULATED SCHEDULING ORDER

WHEREAS, the Court having granted Lead Plaintiffs' motion for extension of time to serve the summons and complaint upon James Arkoosh and Samuel Belzberg;

WHEREAS, Lead Plaintiffs have now served all Defendants; and

The Parties desire to arrange an efficient schedule for the filing of a motion to dismiss the consolidated amended complaint to avoid piecemeal adjudication thereof.

THEREFORE, it is hereby ordered as follows:

1. Lead Plaintiffs shall file and serve an amended complaint no later than 30 days from the entry date of this Order.
2. Defendants shall file and serve their motion to dismiss or otherwise respond to the amended complaint no later than 45 days after service of the amended complaint on their counsel.
3. Lead Plaintiffs shall have 30 days after service of any motion to dismiss to file and serve opposition papers thereto.

4. Defendants shall have 15 days to file and serve a reply memorandum of law in support of any motion to dismiss the amended complaint filed by Defendants.

IT IS SO ORDERED this ___ day of _____, 2004:

Richard G. Stearns, United States District Judge

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